IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7923 OF 2004

G.B.Shah & Others .. Petitioners.
Vs.
The Divisional Joint
Registrar & Others .. Respondents.

Mr.N.N.Bhadrashete for the petitioners.
Mr.A.P.Palekar for respondent nos.1 to 3.
Mr.Vijay Patil for respondent nos.4 to 7.

CORAM : D.B.BHOSALE, J.

DATED : 30TH SEPTEMBER, 2004

P.C.:

. Heard Mr.Bhadrashete, learned counsel for the petitioners, Mr.Palekar, learned A.G.P. for respondent nos.1 to 3 and Mr.Patil, learned counsel for respondent nos.4 to 7.

2. Rule, returnable forthwith.

3. Mr.Palekar, learned A.G.P. waives service for respondent nos.1 to 3 and Mr.Patil, learned counsel waives service for respondent nos.4 to 7. By consent of the parties taken up for final hearing.

4. This petition is directed against the order dated 6.9.2004 passed by the Divisional Joint Registrar, Co-operative Societies, Mumbai Division, Mumbai in Appeal No.57 of 2004 by which the appeal filed by the petitioners has been dismissed and the order dated 25.2.2004 passed by the Deputy Registrar, Co-operative Societies under section 78(1) of the Maharashtra Co-operative Societies Act, 1960 (for short "the Act") has been confirmed. The principal grievance made by the petitioners in the instant petition is that there was no effective and meaningful consultation as required under section 78 of the Act. I perused the impugned orders and other material placed between me. It is apparent that the order dated 25.2.2004 of the Deputy Registrar was passed without awaiting the reply of the federal society. Admittedly, the reply of the federal society is dated 6.4.2004 while order of the Deputy Registrar is of 25.2.2004. That being so, Mr.Patil, learned counsel for the respondent, fairly stated that I need not record reasons for setting aside the impugned orders. He further submitted that the Deputy Registrar be given directions to consider the recommendation of the federal society dated 6.4.2004 and decide the matter afresh. In the

circumstances I pass the following order:

. The orders passed by the Divisional Joint Registrar and Deputy Registrar dated 6.9.2004 and 25.2.2004 respectively are quashed and set aside. The Deputy Registrar shall decide the matter afresh on the basis of the material on record and the reply of the federal society dated 6.4.2004 as expeditiously as possible and preferrably within six weeks from today after giving an opportunity of being heard to the concerned parties. All contentions on merits are kept open.

. Rule is disposed of in the aforesaid terms.

. The petition is, accordingly, disposed of.

(D.B.Bhosale, J.)